

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF NEW HAMPSHIRE

MWH HOLDINGS, LLC,

Plaintiff,

v.

CERTAIN UNDERWRITERS AT LLOYD’S,
LONDON SUBSCRIBING TO CERTIFICATE NO.
XEQ3461418, IMPROPERLY NAMED AS CERTAIN
UNDERWRITERS AT LLOYD’S OF LONDON,

Defendant.

Docket No.

NOTICE OF REMOVAL

**TO THE JUDGES OF THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE**

Pursuant to the provisions of 28 U.S.C. §§ 1446, Defendant, Certain Underwriters at Lloyd’s, London Subscribing to Certificate No. XEQ3461418 (“Underwriters”), Improperly Named as Certain Underwriters at Lloyd’s of London, hereby invokes this Court’s jurisdiction under the provisions of 28 U.S.C. §§ 1332 and 1441(a) and states the following grounds for removal:

1. On or about October 19, 2020, Plaintiff, MWH Holdings, LLC (“Plaintiff”) filed an action (the “State Court Action”) in Hillsborough County – Southern District Superior Court against Underwriters, styled and captioned as above and assigned Case No. 226-2020-CV-00536. Plaintiff has alleged Breach of Contract and Negligence against Underwriters arising out of a dispute between the parties concerning the value of property damage allegedly sustained by Plaintiff on or about July 11, 2019.

2. Plaintiff served Underwriters with the Complaint in the State Action on November 5, 2020. A true copy of the Affidavit of Service, Summons, and Complaint in the State Court Action is attached hereto as Exhibit “A”.
3. Having been filed within 30 days of service of the Complaint, this Notice of Removal to the United States District Court has been filed in a timely manner pursuant to the provisions of 28 U.S.C. § 1446(b). See Murphy Brothers, Inc. v. Michetti Pipe Stringing, Inc., 526 U.S. 344, 347-48, 119 S. Ct. 1322, 1325 (1999).
4. Jurisdiction exists over this removed action, pursuant to 28 U.S.C. § 1441, because this action could originally have been filed in this Court, pursuant to 28 U.S.C. § 1332(a)(1), on the basis that there is complete diversity of citizenship between the parties and the amount in controversy exceeds \$75,000:
 - a. In the Complaint, Plaintiff alleges that Underwriters operate as “Lloyd’s” with a service of suit address at 25 W. 53rd St., 14th Floor, New York, NY 10019. (Ex. A.) There are no underwriting members residing or incorporated in the United States of America as recorded in the Lloyd’s Membership system as of this date that participated in any of the syndicates effective during the 2018 underwriting year of account. Accordingly, Underwriters are citizens and/or subjects of a foreign country.
 - b. Based upon the Complaint, Plaintiff is a New Hampshire limited liability company, with a principal place of business in Nashua, New Hampshire.
 - c. The Complaint alleges that Underwriters is obligated to pay Plaintiff and/or pay on Plaintiff’s behalf sums in excess of \$75,000.

5. Pursuant to 28 U.S.C. §§ 101 and 1441(a), the United States District Court for the District of New Hampshire is the proper forum for removal of the state court action which was commenced in Hillsborough County – Southern District Superior Court.
6. Pursuant to 28 U.S.C. § 1446(d), Underwriters will give written notice of this Notice to Plaintiff and will file a copy of this Notice with the clerk of the Hillsborough County – Southern District Superior Court promptly after it has filed this Notice with this Court.
7. Pursuant to 28 U.S.C. § 1447 and Local Rule 81.1(c), Underwriters will file or cause to be filed certified or attested copies of the docket sheet and documents filed in this case in the Superior Court with this Court within fourteen (14) days after filing this Notice.

WHEREFORE, Underwriters respectfully requests that the action pending in Hillsborough County – Southern District Superior Court be removed therefrom to this Court and proceed as an action properly so removed.

Respectfully submitted,

CERTAIN UNDERWRITERS AT LLOYD’S,
LONDON, SUBSCRIBING TO CERTIFICATE
NO. XEQ3461418, IMPROPERLY NAMED
AS CERTAIN UNDERWRITERS AT
LLOYD’S OF LONDON

By Its Attorneys,

MORRISON MAHONEY LLP

Date: December 2, 2020

/s/ Brian A. Suslak

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served on the following persons on this date in the manner specified herein:

Electronically Served:

William Aivalikles, Esq.
253 Main Street
Nashua, NH 03060
Counsel for Plaintiff

/s/ Brian A. Suslak

Brian A. Suslak, #269917